

**THIRTY-FIFTH DAY**

(Tuesday, March 15, 1949)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Harris	Taylor
Hudson	Tynan
Jones	Vick
Lane	Weinert

Absent—Excused

Kelly of Tarrant

Absent

Hazlewood Kelley of Hidalgo

A quorum was announced present.

Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Morris and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal approved.

**Leave of Absence Granted**

Senator Kelly of Tarrant was granted leave of absence for today on account of important business on motion of Senator Moore.

**Reports of Standing Committees**

Senator Lane submitted the following reports:

Austin, Texas,  
March 15, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 289, have had the same under consideration, and I am instructed to report it back to the

Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
March 15, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 182, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
March 15, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 250, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
March 15, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 397, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
March 15, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 372, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
March 15, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 356, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
March 15, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 33, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

LANE, Chairman.

Austin, Texas,  
March 15, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 338, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Senator Jones submitted the following reports:

Austin, Texas,  
March 15, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 85, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be mimeographed.

JONES, Chairman.

Austin, Texas,  
March 15, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 382, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be mimeographed.

JONES, Chairman.

Austin, Texas,  
March 15, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred S. B. No. 395, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be mimeographed.

JONES, Chairman.

Senator Kelly of Tarrant submitted the following report:

Austin, Texas,  
March 14, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Military and Veterans' Affairs, to whom was referred Senate Bill 304, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but the Committee Substitute in lieu thereof do pass and be printed.

KELLY of Tarrant, Vice Chairman.

C. S. S. B. No. 304 was read first time.

#### Report of Legislative Audit Committee of the 50th Legislature

Senator Moffett submitted the following report:

The 48th Legislature of the State of Texas passed Senate Bill No. 27, which set up the Legislative Audit Committee that appoints the State Auditor, subject to confirmation by the Senate, and has the duty of supervising generally the activities of the State Auditor and his office. This Committee is composed of the Lieutenant Governor, the Chairman of the Finance Committee of the Senate, the Chairman of the Committee on State Affairs of the Senate, the Speaker of the House of Representatives, the Chairman of the Appropriations Committee of the House of Representatives, and the Chairman of the Revenue and Taxation Committee of the House of Representatives.

During the term of this Committee's existence, from the first day of the Regular Session of the 50th Legislature to the day preceding the first

day of the 51st Legislature, it held twelve meetings. It exercised general supervision over the State Auditor and his department to the extent provided in Senate Bill No. 27, and this Committee's records are open to the inspection of any Member of the Legislature. As to the general activity of the State Auditor's Department, we refer the Legislature to the last two Annual Reports by the State Auditor on the financial operations and the functional activities of his department.

Following is a brief summary of actions taken by this Committee at the meetings held:

#### February 12th, 1947

All Members were present as follows: Lt. Gov. Allan Shivers; Senator James Taylor, Chairman of the Senate Finance Committee; Senator George Moffett, Chairman of the Senate Committee on State Affairs; W. O. Reed, Speaker of the House of Representatives; C. H. Gilmer, Chairman of the House Appropriations Committee; and Frank Svadlenak, Chairman of the House Revenue and Taxation Committee.

The Committee unanimously elected Lieutenant Governor Shivers to be its chairman and Speaker Reed to be its secretary.

#### February 17th, 1947

At this meeting, with all Members present, C. H. Cavness was reappointed as State Auditor for the two-year term ending February 15th, 1949, and the appointment was immediately certified to the Senate with the request for confirmation.

#### February 24th, 1947

At this meeting, with a quorum present, the Committee considered budgets of certain State Agencies, this being required under the provisions in the current Departmental Appropriation Bill (Senate Bill No. 317 of the 49th Legislature). The budget of the State Board for Vocational Education was approved for the six-month period ending August 31st, 1947.

#### March 3rd, 1947

With all Members present State Auditor C. H. Cavness presented a special report in connection with his audit of the accounts of the Adjutant General's Department, and an open hearing was held thereon with Lt. Col. Sidney C. Mason, Assistant Adjutant General, present. No conclusion on the hearing was reached at this meeting, which was adjourned subject to the call of the Chairman.

March 10th, 1947

With a quorum present, the State Parks Board budget for the six-month period ending August 31st, 1947, was approved. Also the State Department of Education proposed budget of expenditures, under Senate Bill No. 44 of the 50th Legislature, was considered and approved.

#### March 10th, 1947

At this meeting, with a quorum present, the Committee considered and approved a budget for the expenditures by the State Department of Agriculture of the sums appropriated under Senate Bill No. 250, as passed by the 50th Legislature.

#### April 10th, 1947

It was learned that the present Adjutant General does not wish to appear before this Committee in response to the opportunity offered at the Committee's meeting of March 3rd, 1947, and that matter was not afterward acted on by the Committee.

May 15th, and 16th, 1947

At these meetings there was held considerable discussion of a proposal made by State Auditor Cavness for auditing oil, gas and mineral production royalties and other income of the State Permanent School Fund, Land Commissioner Bascom Giles being present on the 16th. It was decided that the Auditor and the Commissioner should draw up an estimated budget to be submitted to the proper committees of the Legislature for the financing of additional work considered necessary to be done through the General Land Office.

#### June 6th, 1947

At this time, with a quorum present, State Auditor Cavness discussed with the Committee the setup of this department, the jobs in progress, and his plans for work to be done within the next few months. The Committee approved a budget for the expenditure by the State Health Department of a special \$15,000.00 appropriation under the provisions of House Bill No. 537, as passed by the 50th Legislature, and considered detailed plans submitted by the State Auditor and the Director of the School Census Division of the State Department of Education for the installation of an Office Machines system for mechanical

checking of the scholastic census rolls

#### August 28th, 1947

With a quorum present at this meeting, State Auditor Cavness presented his Official Bond in the sum of \$25,000.00 for the one-year term effective August 10th, 1947, and same was unanimously approved and ordered filed.

The Committee then considered and approved the following operating budgets: State Auditor's Department for the fiscal year beginning September 1st, 1947; State Board for Vocational Education for the same period; Census Division of the State Department of Education for the same period; State Department of Public Welfare for the same period; State Parks Board for the same period as to its General Revenue Fund appropriations, and the six-month period ending February 29th, 1948, for expenditures to be made from the Special Park Fund.

The budget of the Texas Unemployment Compensation Commission was also subject to approval by this Committee, but its administrator stated that the Commission intended to use no State funds before July 1st, 1948, and it was decided that no expenditures be approved.

#### February 6th, 1948

At this meeting the Committee approved an operating budget for the Special State Parks Fund of the State Parks Board for the six-month period beginning March 1st, 1948, and approved certain changes in the budget of the Census Division to August 31st, 1948. State Auditor Cavness also made a verbal general report on the activities of the State Auditor's Department, including a discussion of his auditing of the records of the State funds involved in the office of the late Ed Cobb, Tax Assessor-Collector of Dallas County. He also told the Committee of his setting up of branch offices at Houston, Dallas, San Antonio, and Harlingen in connection with field audits of corporation franchise tax returns.

#### August 30th, 1948

At this meeting State Auditor Cavness also reported on operations of his department. The Committee considered and approved the following budgets: State Department of Public Welfare, six months ending February 28th, 1949; Census Division for the

same period; State Parks Board for the same period (both funds); State Board for Vocational Education for the fiscal year beginning September 1st, 1948 (this approval was not concluded until after action of a subcommittee on September 4th, 1948); budget of the Austin office of the Secretary of the Board of Regents for the State Teachers' Colleges for the fiscal year beginning September 1st, 1949; and also for the same period the budget of the State Auditor's Department.

#### January 10th, 1949

This was the last meeting of this Committee as presently constituted. State Auditor Cavness reviewed the work of his department, and problems in connection with the Junior College Apportionment audits, and the records of the School Census Division were discussed. It was also decided to prepare this Committee's Report to the Legislature.

The State Auditor's Department is completing nearly one hundred audits each year and the work is now on the current basis, with the fiscal operations of every State department, institution and agency audited at least as often as every two years.

Recommendations made by the Auditor have met with the approval of this Committee and a number of them which have been put into effect have brought noteworthy improvements in the State's departmental and institutional accounting procedures, and also several have been of direct financial benefit to the State. The following are outstanding examples:

1. The inventory control records system set up (handled in the Comptroller's Department) provides, for the first time in the State's records, a method by which movable State property can be definitely accounted for and real custodial responsibility fixed. The system has begun to really function in the past two years.

2. The changing of the School Census Division's methods to the "machine" system resulted in the first year in a saving of several hundred thousand dollars to the State, and will have similar effect each year hereafter.

3. Field audits of Corporation Franchise Tax Reports during the past fiscal year resulted in an additional \$234,861.04 tax being certified for collection—the State Auditor's,

cost of doing the work involved was \$64,447.27.

4. General Land Office accounting records have been improved by the recommended "machine" system, and now in progress is the work of auditing revenues from oil and gas royalties, etc., for the Permanent School Fund.

This Committee suggests that any of the State Auditor's recommendations which may require action by the Legislature should be given serious consideration.

In conclusion, we express and here record our appreciation of the efficient manner in which State Auditor C. H. Cavness has performed his official duties during the two years of this Committee's existence. He and his Department have rendered highly commendable and valuable services to the State—the fiscal efficiency of most State departments, institutions, etc., has been noticeably improved.

Respectfully submitted,

Legislative Audit Committee

By: ALLAN SHIVERS

Chairman, Lieutenant Governor

W. O. REED

Secretary, Speaker of the House of Representatives

JAMES E. TAYLOR

Member, Chairman of the Senate Finance Committee

GEORGE MOFFETT

Member, Chairman of the Senate Committee on State Affairs

C. H. GILMER

Member, Chairman of the House Appropriations Committee

FRANK SVADLENAK

Member, Chairman of the House Revenue and Taxation Committee

January 10th, 1949

#### Senate Bill 399 on First Reading

Senator Hardeman moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hudson	Taylor
Jones	Tynan
Lane	Weinert

Absent

Colson	Kelley of Hidalgo
Hazlewood	Vick

Absent—Excused

Kelly of Tarrant

The following bill was then read first time and referred to the committee indicated:

By Senator Hardeman:

S. B. No. 399, A bill to be entitled "An Act amending Senate Bill No. 138, Chapter 354, Page 715, General Laws enacted by the 50th Legislature, Regular Session, 1947, and declaring an emergency."

To Committee on Civil Jurisprudence.

#### Senate Bill 400 on First Reading

Senator Hardeman moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Harris	Taylor
Hudson	Tynan
Jones	Weinert
Kelley of Hidalgo	

**Absent**

Hazlewood      Vick  
Phillips

**Absent—Excused****Kelly of Tarrant**

The following bill was then read first time and referred to the committee indicated:

**By Senator Hardeman:**

S. B. No. 400, A bill to be entitled "An Act for the purpose of preserving the faith and credit of the State and its agency the upper Colorado River Authority, to which State General Fund Ad Valorem taxes have been donated and granted; making an appropriation to such authority of an amount of money equivalent to that which it would have received if such tax had been levied in the year 1948; enacting other matters relating to the subject; and declaring an emergency."

To Committee on Finance.

**Senate Bill 401 on First Reading**

Senator Aikin moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

**Yeas—29**

Aikin	Carney
Ashley	Colson
Bell	Corbin
Bracewell	Cousins
Bullock	Hardeman
Harris	Morris
Hudson	Phillips
Jones	Proffer
Kelley of Hidalgo	Shofner
Lane	Strauss
Lock	Taylor
Martin	Tynan
McDonald	Vick
Moffett	Weinert
Moore	

**Absent**

Hazlewood

**Absent—Excused****Kelly of Tarrant**

The following bill was then read

first time and referred to the committee indicated:

**By Senator Aikin:**

S. B. No. 401, A bill to be entitled "An Act authorizing commissioners' court to purchase fire trucks and other fire fighting equipment, and in payment thereof to issue time warrants or negotiable bonds, and to levy and collect taxes in payment of such warrants or bonds; and declaring an emergency."

To Committee on State Affairs.

**Senate Bill 402 on First Reading**

Senator Lane moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

**Yeas—29**

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Harris	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Lane	

**Absent**

Hazlewood

**Absent—Excused****Kelly of Tarrant**

The following bill was then read first time and referred to the committee indicated:

**By Senator Lane.**

S. B. No. 402, A bill to be entitled "An Act relating to the disposition of the distributive portions of unknown stockholders upon the dissolution of domestic corporations and imposing liability for failure to observe the requirements of the Act."

To Committee on Civil Jurisprudence.

**Senate Bill 403 on First Reading**

Senator Cousins moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Harris	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Lane	

Absent

Hazlewood

Absent—Excused

Kelly of Tarrant

The following bill was then read first time and referred to the committee indicated:

By Senator Cousins:

S. B. No. 403, A bill to be entitled "An Act to validate, ratify, approve, confirm, and declare enforceable all levies and assessments of ad valorem taxes heretofore made by independent school districts or cities or towns including home rule cities in this state not in excess of the limit now provided by law which are void or unenforceable because the same were made and adopted by resolution, motion or other informal action, and/or because such assessments were made by officers of any such independent school district, city or town including home rule cities other than the officers provided by law or the charter of such city to make such assessments, as the case may be, or because made by the officers of any one such independent school district, city or town including home rule cities acting for another such independent school dis-

trict, city or town including home rule cities, or because of the failure of the governing body of such districts, cities or towns including home rule cities to appoint the proper and statutory Board of Equalization or to appoint the correct number of members to such Board of Equalization as required by the laws of this state or the charter of such city, as the case may be, or because the Board of Equalization of one such independent school district, city or town including home rule cities acted for such independent school district, city or town including home rule cities and also acted for another independent school district, city or town including home rule cities, or because of technical irregularities in the manner of preparing the books and reports of the officers assessing such property; and all equalizations of said valuations of such property for taxation purposes made by the Board of Equalization acting for any such independent school district or city or town including home rule cities, or acting for its own independent school district, city or town including home rule cities and also acting for any other independent school district, city or town including home rule cities which are irregular or insufficient because the reports of such equalization were adopted and accepted orally or by other informal action; and the acts of making such equalization were made orally or informally or in incomplete form; providing this Act shall not affect suits pending at the time same becomes effective; and providing further, that this Act shall not validate any valuation placed upon property by any Board of Equalization or any tax assessor where such property has been valued in excess of its reasonable cash market value or where such property has been discriminated against as to value or placed upon the rolls at a higher value than property of like kind or character or at a greater percentage of its value than other property assessed for taxation, and declaring an emergency."

To Committee on Civil Jurisprudence.

**Senate Resolution 76**

Senator Cousins offered the following resolution:

Whereas, Mrs. Lipscomb Norvell is a native Texan, a resident of Beau-

mont, Texas, and the author of the historical novel "King's Highway," and

Whereas, this distinguished Texas woman ranks among the great pioneer-spirited women of our time because of her undying efforts in the perpetuation of King's Highway; and through her undaunted efforts the Nation's oldest and most glorious trail, which has seen the pageant of centuries, the birth of a nation and felt the trod of our forefathers, has been marked and sanctified from Washington, D. C., to Mexico City, embodying our own glorious Old San Antonio Road;

Whereas, Mrs. Norvell is responsible more than any one person for the establishment and preservation of the King's Highway and has given her time for over three decades in this effort and climaxed her work with her memorializing book, "King's Highway," to the pioneers of Texas; and

Whereas, Mrs. Norvell, as chairman of the Western Division of the National Old Trails Roads, Daughters of the American Revolution undertook the work of relocating, having surveyed and monuments placed at strategic points on this historic trail; and as a public-spirited citizen in the civic and social life and enterprise of the State, and exhibiting in admirable degree the finest and most ennobling traditions of the truly Texan character; now therefore, be it

Resolved, By the Senate of Texas, that as a token of admiration and esteem in which this illustrious Texas woman is held by all Texans, that a portrait of Mrs. Norvell be hung in the Chamber of the Senate of Texas, as a fitting climax to her glorious career and as an expression of appreciation by the Senate of the State of Texas.

The resolution was read and was referred to the Committee on Rules.

#### Senate Concurrent Resolution 30

Senator Proffer offered the following resolution:

S. C. R. No. 30, Authorizing T. E. Hall to sue the State of Texas and the Adjutant General's Department.

Whereas, It is alleged by T. E. Hall, a resident of Montague County, Texas, that he lives immediately across the street from the Texas National Guard Unit stationed at Pelham Park,

Bowie, Montague County, which is on Route 3, Bowie, Texas. He further alleges that on January 7, 1949, as he started to drive away from his home the caretaker and driver of a half track army vehicle owned by the Adjutant General's Department backed into his car. He further alleges that he attempted in every way possible to escape being hit by such vehicle, and that he sounded his horn but that the doors of the army vehicle are metal and the driver did not hear his horn. Mr. Hall further alleges that the driver of the army vehicle admitted that he was at fault and that he did not see Mr. Hall's car. He further alleges that the bids he has received for the repair of his car are in the amount of not less than One Hundred and Forty-three Dollars (\$143.00) or more.

Whereas, The said T. E. Hall is desirous of determining the liability of the State of Texas and the Adjutant General's Department for the alleged damages to his car as hereinabove set out; and for that purpose he desires to file a suit in the proper court having jurisdiction over said claim to have such liability and the amount thereof, resulting from said damages, judicially determined; therefore be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, that said T. E. Hall be and he is hereby granted permission to file suit against the State of Texas and the Adjutant General's Department in the proper court having jurisdiction of his claim for liability and damages. In the event said suit is filed, service of citation or other necessary process shall be upon the Adjutant General of the Adjutant General's Department and the Attorney General of the State of Texas, and said suit shall be filed and tried as provided by law for other civil cases, reserving to either party the right of appeal as provided by law; and be it further

Resolved, That nothing herein shall be construed as an admission of liability on the part of the State of Texas or the Texas National Guard. It is understood that the whole purpose of this Resolution is to grant permission to the said T. E. Hall to bring suit against the State of Texas and the Adjutant General's Department for the alleged damages and to have same adjudicated as other civil cases; and no admission of liability

of the State or the Adjutant General's Department of any facts and no admission whatever against the interest of the State of Texas or the Adjutant General's Department is or shall be made by this Resolution; and all of which shall be ascertained and proved in court as in other civil cases.

The resolution was read and was referred to the Committee on State Affairs.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
March 15, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Resolutions:

S. C. R. No. 26, Invitation to Honorable Perry Brown, National Commander of American Legion, to address joint session of the Legislature.

S. C. R. No. 27, In memory of Judge E. A. Berry, Sr.

S. C. R. No. 28, Inviting Honorable Luther H. Evans, Librarian of Congress, to address a joint session of the Legislature.

S. C. R. No. 29, Inviting the Honorable Millard Caldwell, former Governor of the State of Florida, to address a Joint Session of the Legislature.

H. C. R. No. 30, Granting A. W. O'Neal permission to sue the State of Texas and the State Highway Department.

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives.

(Senator Weinert in the Chair)

#### Senate Bill 72 Set as Special Order

Senator Vick moved that Senate Bill No. 72 be set as a special order for Tuesday, March 29, 1949, immediately following the morning call.

The motion prevailed by the following vote:

Yeas—25

Ashley	Colson
Bell	Corbin
Bracewell	Cousins
Bullock	Hardeman
Carney	Hazlewood

Jones	Morris
Kelley of Hidalgo	Phillips
Lane	Proffer
Lock	Shofner
Martin	Strauss
Moffett	Vick
Moore	

Nays—3

Aikin	Weinert
Taylor	

Absent

Harris	McDonald
Hudson	Tynan

Absent—Excused

Kelly of Tarrant

#### Senate Bill 21 on Second Reading

The presiding officer laid before the Senate as a special order for this hour on its second reading and passage to engrossment:

S. B. No. 21, A bill to be entitled "An Act to promote safe driving and to remove from the highways the reckless and financially irresponsible drivers by providing for proof of financial responsibility and requiring security of owners and operators of motor vehicles following accidents; defining certain words and phrases; prescribing the duties and vesting power to administer the provisions of this Act in the Department of Public Safety and making appropriation therefor, etc.; and declaring an emergency."

The bill was read second time.

Senator Morris offered the following amendment to the bill:

Amend S. B. 21, Article I, Section 1, by striking out all of sub-section (a) and inserting in lieu thereof the following:

(a) "Department" means (1) The Department of Public Safety of the State of Texas, acting directly or through its authorized officers and agents. (2) The Texas Highway Department acting directly or through its authorized agents wherever reference is made to the suspension or revocation of registrations of motor vehicles. (3) Any other State Department specifically named.

The amendment was adopted.

Senator Morris offered the following amendment to the bill:

Amend S. B. No. 21, Article II, by striking out all of Section 3 and inserting in lieu thereof the following:

Sec. 3. Department to Furnish Operating Record. The Department shall, upon request, furnish any person a certified abstract of the operating record of any person subject to the provisions of this Act, which abstract shall also fully designate the motor vehicles, if any, registered in the name of such person, and if there shall be no record of any conviction of such person of violating any law relating to the operation of a motor vehicle or of any injury or damage caused by such person, the Department shall so certify. The Department may make reasonable charges for furnishing such certified abstracts. Such abstracts shall not be admissible as evidence in any action for damages or criminal proceedings arising out of a motor vehicle accident.

The amendment was adopted.

Senator Morris offered the following amendment to the bill:

Amend S. B. No. 21, Article III, by eliminating Section 5 and substituting in lieu thereof the following:

Sec. 5. Security Required Following Accident Unless Evidence of Insurance; Suspension for Failure to Deposit Security; Exceptions.

(a) If 20 days after the receipt a record of a motor vehicle accident within this State which has resulted in bodily injury or death, or damage to the property of any one person in excess of One Hundred (\$100.00) Dollars, the Department does not have on file evidence satisfactory to him that the person who would otherwise be required to file security under Subsection (b) of this Section has been released from liability, or has been finally adjudicated not to be liable, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, the Department shall determine the amount of security which shall be sufficient in his judgment to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against each operator or owner.

(b) The Department shall within

sixty (60) days after the receipt of such report of a motor vehicle accident, suspend the license of each operator and all registrations of each owner of a motor vehicle in any manner involved in such accident; and if such operator is a non-resident the privilege of operating a motor vehicle within this State; and if such owner is a non-resident, the privilege of the use within this State of any motor vehicle owned by him, unless such operator or owner or both shall deposit security in the sum so determined by the Department; provided notice of such suspension shall be sent by the Department to such operator and owner not less than ten (10) days prior to the effective date of such suspension and shall state the amount required as security. Where erroneous information is given the Department with respect to the matters set forth in Subdivisions 1, 2, or 3 of Subsection (c) of this Section, he shall take appropriate action as hereinbefore provided, within 60 days after receipt by him of correct information with respect to said matters.

(c) This section shall not apply under the conditions stated in Section 6 nor:

1. To such operator or owner if such owner had in effect at the time of such accident an automobile liability policy with respect to the motor vehicle involved in such accident;

2. To such operator, if not the owner of such motor vehicle, if there was in effect at the time of such accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him;

3. To such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the Department, covered by any other form of liability insurance policy or bond nor

4. To any person qualifying as a self-insurer under Section 34, or to any person operating a motor vehicle for such self-insurer.

No such policy or bond shall be effective under this section unless issued by an insurance company or surety company authorized to do business in this State, except that if such motor vehicle was not registered in this State, or was a motor vehicle which was registered elsewhere than in this State at the effective date of

the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under this section unless the insurance company or surety company, if not authorized to do business in this State, shall execute a power of attorney authorizing the Department to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident; provided, however, every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than Five Thousand (\$5,000.00) Dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than Ten Thousand (\$10,000.00) Dollars because of bodily injury to or death of two or more persons in any one accident; and if the accident has resulted in injury to or destruction of property, to a limit of not less than One Thousand (\$1,000.00) Dollars because of injury to or destruction of property of others in any one accident.

The amendment was adopted.

Senator Morris offered the following amendment to the bill:

Amend S. B. No. 21, Article IV, Section 28, lines 27 and 28 by striking out the words "registration of the non-residents", and inserting in lieu thereof the words "registration or the non-residents."

The amendment was adopted.

Senator Morris offered the following amendment to the bill:

Amend S. B. No. 21, Article V, by striking out all of Section 32 and inserting in lieu thereof the following:

Sec. 32. Other Violations; Penalties.

(a) Failure to report an accident as required in Section 4 shall be punished by a fine not in excess of Twenty-five (\$25.00) Dollars, and venue for failure to report such an accident shall be in the county where such accident occurred, and in the event of injury or damage to the person or property of another in such accident, the Department shall suspend the license of the person failing to make such report, or the non-resident's operating privilege of such person, until such report has been

filed and for such further period not to exceed thirty (30) days as the Department may fix.

(b) Any person who gives information required in a report or otherwise as provided for in Section 4, knowing or having reason to believe that such information is false, or who shall forge or, without authority, sign any evidence of proof of financial responsibility, or who files or offers for filing any such evidence of proof knowing or having reason to believe that it is forged or signed without authority, shall be fined not more than One Thousand (\$1,000.00) Dollars or imprisoned for not more than one year, or both.

(c) Any person whose license or registration or non-resident's operating privilege has been suspended or revoked under this Act and who, during such suspension or revocation drives any motor vehicle upon any highway or knowingly permits any motor vehicle owned by such person to be operated by another upon any highway, except as permitted under this Act, shall be fined not more than Five Hundred (\$500.00) Dollars or imprisoned not exceeding six (6) months, or both.

(d) Any person wilfully failing to return license or registration as required in Section 31 shall be fined not more than Five Hundred (\$500.00) Dollars or imprisoned not to exceed thirty (30) days, or both.

(e) Any person who shall violate any provision of this Act for which no penalty is otherwise provided shall be fined not more than Five Hundred (\$500.00) Dollars or imprisoned not more than ninety (90) days, or both.

The amendment was adopted.

Senator Morris offered the following amendment to the bill:

Amend S. B. No. 21 by eliminating Paragraph (a) of Section 2, Article II and substitute in lieu thereof the following:

(a) The Department of Public Safety shall administer and enforce the provisions of this Act except that the Texas Highway Department shall suspend and revoke registrations whenever required by this Act and at the request of the Department of Public Safety. The Motor Vehicle Division of the Texas Highway Department shall cooperate with the Department of Public Safety by fur-

nishing certified abstracts of registrations and in all other ways to make the provisions of this Act effective.

Reasonable rules and regulations necessary to carry out the provisions of this Act shall be made and enforced by the Department.

There is hereby appropriated out of the General Fund of the State of Texas such money as may be necessary for the purpose of defraying the expenses of this Act through the biennium ending August 31, 1951, not to exceed the sum of Three Hundred Twenty-five Thousand (\$325,000.00) Dollars for the Department of Public Safety and not to exceed the sum of One Hundred Seventy-five Thousand (\$175,000.00) Dollars for the fiscal year ending August 31, 1950, and One Hundred Fifty Thousand (\$150,000.00) Dollars for the fiscal year ending August 31, 1951, and through the biennium ending August 31, 1951, not to exceed a sum of One Hundred Ten Thousand (\$110,000.00) Dollars for the State Highway Department, and not to exceed the sum of Seventy-five Thousand (\$75,000.00) Dollars for the fiscal year ending August 31, 1950, and Thirty-five Thousand (\$35,000.00) Dollars for the fiscal year ending August 31, 1951. So much money as is necessary to administer this Act shall be used for the employment of necessary clerical and administrative help and for defraying the necessary expenses incident to travel, rental and any judicial hearings relative to court review, and including printing of all necessary forms required by this Act, and including the purchase through bids taken by the Board of Control of all necessary furniture and fixtures and equipment of any nature; provided the number of employees and the salaries of each shall be consistent with the number of employees and the salaries of each as fixed by the Legislature in the biennial Departmental Appropriation Bill for like services.

All disbursements made hereunder to the Department of Public Safety shall be by warrant issued by the Comptroller upon vouchers drawn by the Chairman of the Department of Public Safety Commission and approved by one other member of the Commission or the Director, and all disbursements made hereunder to the State Highway Department shall be by warrant issued by the Comptroller upon vouchers drawn by the Chairman of the State Highway Commis-

sion and approved by one other member of the Commission, and such vouchers shall be accompanied by identified sworn statements of the expenditures for which they are issued.

The amendment was adopted.

Senator Morris offered the following committee amendments to the bill:

#### Committee Amendment No. 1

Amend S. B. No. 21 by striking out all of Section 33 and inserting in lieu thereof the following:

##### "Sec. 33. Exceptions.

This Act shall not apply with respect to any motor vehicle owned by the United States, this State, or any political subdivisions of this State, or any municipality therein; nor shall any of the provisions of this Act apply to public carriers operating under the jurisdiction of the Railroad Commission of Texas or the Interstate Commerce Commission of the United States, nor to the employees of such carriers while acting within the scope of their employment, except such employees shall be required to comply with Section 4 of this Act and shall be entitled to the benefits and privileges of Section 26 of this Act."

#### Committee Amendment No. 2

Amend S. B. No. 21, Section 15, by striking out the words "Section 1 (j)," and inserting in lieu thereof the words "Section 1 (k)."

Amend S. B. No. 21, Section 24, Paragraph (a) by striking out the words appearing at the end of the first sentence "Section 1 (j)" and inserting in lieu thereof the words "Section 1 (k)."

The committee amendments were severally adopted.

Senator Morris offered the following committee amendment to the bill:

#### Committee Amendment No. 3

Amend S. B. No. 21, Article III, Section 4 by eliminating Paragraph (a) and substituting the following:

"(a) The operator of every motor vehicle which is in any manner involved in an accident within this State, in which any person is killed

or injured or in which damage to the property of any one person including himself, in excess of Fifty (\$50.00) Dollars, is sustained, shall within 10 days after such accident report the matter in writing to the Department. Such report, the form of which shall be prescribed by the Department, shall contain information to enable the Commissioner to determine whether the requirements for the deposit of security under Section 5 are inapplicable by reason of the existence of insurance or other exceptions specified in this Act. If such operator be physically incapable of making such report, the owner of the motor vehicle involved in such accident, shall, as soon as he learns of the accident, report the matter in writing to the Department. The operator or the owner shall make such other and additional reports relating to such accident as the Department shall require."

Senator Morris offered the following amendment to the committee amendment:

Amend S. B. No. 21 by amending Committee Amendment No. 3 to read as follows:

"(a) The operator of every motor vehicle which is in any manner involved in an accident within this State, in which any person is killed or injured or in which damage to the property of any one person including himself, in excess of One Hundred (\$100.00) Dollars, is sustained, shall within 10 days after such accident report the matter in writing to the Department. Such report, the form of which shall be prescribed by the Department, shall contain information to enable the Department to determine whether the requirements for the deposit of security under Section 5 are inapplicable by reason of the existence of insurance or other exceptions specified in this Act. If such operator be physically incapable of making such report, the owner of the motor vehicle involved in such accident, shall, as soon as he learns of the accident, report the matter in writing to the Department. The operator or the owner shall make such other and additional reports relating to such accident as the Department shall require."

The amendment to the committee amendment was adopted.

The committee amendment as amended was then adopted.

Senator Morris offered the following committee amendments to the bill:

#### Committee Amendment No. 4

Amend S. B. No. 21, Article VI, by eliminating Section 35 and substituting in lieu thereof the following:

##### "Sec. 35. Assigned Policy Plans.

(a) The Board of Insurance Commissioners shall approve a reasonable plan or plans for the equitable apportionment among companies authorized to issue automobile liability policies in this State of applicants for such policies if such applicant is a holder of a valid chauffeur's or operator's license and is entitled to but unable to procure such policy through ordinary methods. When any such plan has been approved, all such insurance companies shall subscribe thereto and participate therein. Any applicant for any such policy, any person insured under any such plan, and any insurance company affected, may appeal to the Board of Insurance Commissioners from any ruling or decision of the manager or committee designated to operate such plan. Any party aggrieved hereunder by any order or act of the Board of Insurance Commissioners may, within ten days after notice of such order or action, file a petition in the District Court of Travis County for a review thereof. The court shall summarily hear the petition and may make any appropriate order or decree.

(b) The Board of Insurance Commissioners is hereby authorized to determine, fix, prescribe and promulgate a schedule of rates applicable to policies assigned under this plan and such rates may differ from the normal rates prescribed under Article 4682b so that the Board may recognize the difference in hazards, if any, of such assignments."

#### Committee Amendment No. 5

Amend S. B. No. 21, Section 21, subsection (f), paragraph 1, by adding thereto the following:

"No action shall lie against the insurance company until the amount of the insured's obligation to pay shall have been finally determined, either by final judgment against the

insured after actual trial or by written agreement of the insured, the claimant, and the company. Any person or organization or the legal representative thereof who has secured such judgment or written agreement shall thereafter be entitled to recover under this policy to the extent of the insurance afforded by this policy. Nothing contained in this policy shall give any person or organization any right to join the insurance company as co-defendant against the insured to determine the insured's liability."

The committee amendments were severally adopted.

(President in the Chair)

Senator Bracewell offered the following amendment to the bill:

Amend S. B. No. 21, Article VI, Section 34(b) by omitting the comma at the end thereof and adding the following: "to the extent of the minimum prescribed in Section 21."

The amendment was adopted.

Question—Shall the bill be passed to engrossment?

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
March 15, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has granted the request of the Senate for a conference committee on Senate Bill Number 121. The following have been appointed on the part of the House: Etheredge, McLellan, Jameson, Smith of Lubbock, Presnal.

H. B. No. 103, A bill to be entitled "An Act to prescribe minimum educational standards and to establish a State Board of Examiners in the Basic Sciences; providing for its appointment and organization and defining its powers; defining the healing arts; making certification by the State Board of Examiners in the Basic Sciences a prerequisite to eligibility for examination for license to

practice the healing arts; establishing eligibility requirements for certification by the Board of Examiners in the Basic Sciences, etc.; and declaring an emergency."

(With engrossed riders)

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Bill Re-referred

On motion of Senator Aikin, Senate Bill No. 347 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Education.

#### Resolutions Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following resolutions:

S. C. R. No. 25, Inviting William Christian Bullitt to address a Joint Session of the Legislature.

S. C. R. No. 29, Inviting Honorable Millard Caldwell to address a Joint Session of the Legislature.

#### Committee to Escort Honorable Millard Caldwell to Joint Session

In accordance with the provisions of S. C. R. No. 29, the President announced the appointment of the following committee:

Senators Ashley, McDonald and Lock.

#### House Bills and Resolution on First Reading

The following bills and resolution, received from the House today, were laid before the Senate, read severally first time and referred to the committees indicated:

H. B. No. 264, to Committee on Finance.

H. B. No. 103, to Committee on Public Health.

H. C. R. No. 30, to Committee on State Affairs.

On motion of Senator Weinert the Senate agreed to adjourn at the conclusion of the Joint Session, until 10:30 o'clock a.m. tomorrow.

**Joint Session**

(To hear an address by Honorable Millard Caldwell).

At 11:45 o'clock a.m., the President announced that the hour heretofore fixed for a Joint Session of the Senate and the House of Representatives to hear an address by Honorable Millard Caldwell, former Governor of The State of Florida, had arrived.

Accordingly, the President of the Senate and Senators present proceeded to the Hall of the House of Representatives at 11:45 o'clock a.m.

The Senators were announced and were admitted and escorted to seats already prepared for them along the aisle.

The President pro tempore of the Senate, by invitation of the Speaker, occupied a seat on the Speaker's rostrum.

The President pro tempore called the Senate to order, and announced a quorum of the Senate present.

Hon. Durwood Manford, Speaker of the House, called the House to order, and announced the purpose of the Joint Session and requested members of the House to register.

A quorum of the House was announced present.

Honorable Millard Caldwell, former Governor of The State of Florida, accompanied by Governor Beauford H. Jester and Dr. John E. Ivey, Director of Regional Council for Education in the South, were announced at the bar of the House and were escorted to the Speaker's stand by Senators Ashley, McDonald and Lock, on the part of the Senate, and Representatives Moursund, Loving and Morrison, on the part of the House.

Speaker Manford then presented Governor Jester who introduced Governor Caldwell to the Joint Session.

Governor Caldwell then addressed the Joint Session.

**Adjournment**

At the conclusion of the address, the President pro tempore announced that the business of the Joint Session had been concluded and declared the Sen-

ate adjourned until 10:30 o'clock a.m. tomorrow in accordance with a motion heretofore adopted by the Senate.

**THIRTY-SIXTH DAY**

(Wednesday, March 16, 1949)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by Senator Aikin.

The roll was called and the following Senators were present:

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

A quorum was announced present.

Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Hudson, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal approved.

**Reports of Standing Committees**

Senator Kelly of Tarrant submitted the following report:

Austin, Texas,  
March 15, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred S. B. No. 398, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be mimeographed.

KELLY of Tarrant, Chairman.

Senator Kelley of Hidalgo submitted the following reports: